

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL ANTHONY VICTORY,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

No. 1:22-cv-1118 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION, AND DIRECTING THE CLERK OF
COURT TO CLOSE THE CASE

(Doc. 24)

Michael Anthony Victory, a state prisoner, seeks to hold the defendants liable for violations of his civil rights related to Plaintiff's contraction of COVID-19 while housed at Sierra Conservation Center. The magistrate judge screened Plaintiff's amended complaint pursuant to 28 U.S.C. §§ 1915 and 1915A and found Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 24 at 11-16.) The magistrate judge recommended the amended complaint be dismissed without leave to amend "because Plaintiff was previously notified of the deficiencies and ... failed to correct them." (*Id.* at 17.)

Plaintiff filed timely objections to the Findings and Recommendations. (Doc. 29.) However, Plaintiff does not identify facts that support determination that he stated a cognizable claim. In addition, Plaintiff fails to show there are additional facts to support his claims, such that leave to amend should be granted.

According to 28 U.S.C. § 636 (b)(1)(C), the Court performed a *de novo* review of the

1 case. Having carefully reviewed the matter, including Plaintiff's objections, the Court concludes
2 the Findings and Recommendations are supported by the record and by proper analysis. Thus, the
3 Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on June 15, 2023 (Doc. 24), are
5 **ADOPTED** in full.
- 6 2. This action is **DISMISSED** without leave to amend.
- 7 3. The Clerk of Court is directed to close this case.

8
9 IT IS SO ORDERED.

10 Dated: **March 12, 2024**


UNITED STATES DISTRICT JUDGE